

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

RICHARD BAYS

Petitioner,

-v-

WARDEN, Ohio State Penitentiary

Respondent.

Case No. 3:08-cv-076

**Judge Thomas M. Rose
Magistrate Judge Michael R. Merz**

**ENTRY AND ORDER OVERRULING BAYS' OBJECTIONS (Doc. #127)
TO THE MAGISTRATE JUDGE'S REPORT AND
RECOMMENDATIONS (Doc. #109) AND ADOPTING THE
MAGISTRATE JUDGE'S REPORT AND RECOMMENDATIONS (Doc.
#109) IN ITS ENTIRETY**

This matter comes before the Court pursuant to Petitioner Richard Bays' ("Bays") Objections (doc. #127) to Magistrate Judge Michael R. Merz's Report and Recommendations (doc. #109) regarding Bays' Petition for a Writ of Habeas Corpus. The Report and Recommendations was issued on February 21, 2012. On June 7, 2012, Bays filed objections (doc. #127) and on July 20, 2012, the Warden filed a Response to Bays' objections (doc. #131). On July 30, 2012, with leave of Court, Bays filed a reply to the Warden's Response. (Doc. #132.) Bays' Objections are, therefore, ripe for decision.

As required by 28 U.S.C. §636(b) and Federal Rules of Civil Procedure Rule 72(b), the District Judge has made a de novo review of the record in this case and particularly of the matters raised in Bays' Objections, the Warden's Response and Bays' Reply. Upon said review, the Court finds that Bay's Objections to the Magistrate Judge's Report and Recommendations are not well taken and they are OVERRULED.

Bays' Petition for a Writ of Habeas Corpus is denied and dismissed with prejudice. The Court recognizes that Bays has filed an Amended Petition (doc. #122) and a Motion for Certificate of Appealability (doc. #128). These will presumably be the subject of one or more future Report and Recommendations.

DONE and **ORDERED** in Dayton, Ohio, this Sixth Day of August, 2012.

s/Thomas M. Rose

THOMAS M. ROSE
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of Record